

Arguments/Remarks

Claims 1 and 4-9 are presently pending in the application. Claims 2-3 have been cancelled and their limitations have been incorporated into claim 1. Claims 10-13 have been cancelled as being drawn to non-elected subject matter. Claim 14 has been withdrawn. Reconsideration is respectfully requested.

Claim and Specification Objections

The Examiner has objected to the arrangement of the specification, and several misspellings in the claims. Applicants have corrected misspellings where appropriate, but cannot locate the term "benzemide" [claim 5, second to last specie, per the Examiner], or "morpholino-propyl-mino" [definition of R_1 and R_2 in claim 4]. Clarification of the objections is sought because the terms cannot be located in the claims. Further amendments to the specification may be made to address the Examiner's rejection to the Arrangement of the Specification upon notification of allowance of allowable subject matter.

Rejections under 35 U.S.C. §112

The Examiner has rejected claims 1-9 and 14 under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

More particularly, the Examiner indicates that claim 1 defines X as a monovalent substituent with "alkyl," but X is divalent and should be changed to "alkylene." The Examiner also notes that the term "heterocycle" is indefinite, and the terms "pyrrolidine, tetrahydrothiophene, tetrahydrofuran, piperidine, pyran, pyrazolidine, oxirane, dioxane, imidazoline, morpholino, and piperazine" are also indefinite.

The Examiner has additionally rejected claim 14 as being an indefinite omnibus claim. Applicants withdraw claim 14.

With regard to the other 112 rejections of claims 1, 2, and 3 above, Applicants traverse the rejections. The asserted deficiencies in the original claims, while perhaps not in the most appropriate format, are not such as to rise to a level of being indefinite for failing to particularly point out and distinctly state what is claimed. Applicants disagree that the deficiencies are so unclear as

to be indefinite. One of skill in the art would understand the metes and bounds of the claims. While Applicants have amended the claims to overcome the objectionable deficiencies, it is clear that such deficiencies would more appropriately have been addressed as objections, rather than statutory rejections. Reconsideration is respectfully requested.

Applicants have also amended claim 4 to delete the "preferably" ranged substituents, and have deleted "esters" from claims 1 and 4. Withdrawal of the rejections is requested.

Rejections under 35 U.S.C. §§102 and 103

The Examiner has rejected claims 1, 2, 7, 9, and 14 under 35 U.S.C. §102 as being anticipated by WO03/015341 to Bold et al., and under 35 U.S.C. §103 as being obvious over U.S. Patent No. 7,253,166 to Ding et al.

Applicants have amended claim 1 to include the limitations of claim 3, which has not been rejected. Claims 7 and 9 rely on newly amended claim 1. Accordingly, the rejections should be withdrawn.


Double Patenting Rejection

The Examiner has provisionally rejected claims 1-9 and 14 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over copending application no. 10/597,298. Upon indication of allowable subject matter, Applicants will address the double patenting rejection.

This application is in condition for allowance, and favorable action is therefore solicited. Should the Examiner have any questions, please contact the undersigned attorney.

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Respectfully submitted,


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